a transcriptional response element (TRE) which is functional in said host cell and wherein the TRE is heterologous with respect to the marker.

REMARKS

Claims have been amended to eliminate multiple dependency. The above amendments to the specification, claims and the Genbank Accession number have been made to comply with C.F.R. § 1.821-1.825. Accordingly, Applicants believe no new matter is added by these amendments.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 397342000200.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification

Please substitute the following for the paragraph beginning on page 29, line 23 and ending on line 25.

The first 48 amino acids of NA were PCR amplified from pNA (Brown et al., J. Virol. 62:3824, 1988) using primers NALuc1 (TGTCCATGGCATAggcaggagtttaaatgaatc) (SEQ ID NO:1) and NALuc2 (TTCCATGGTtattccagtatggttttgatttc) (SEQ ID NO:2).

Please substitute the following for the paragraph beginning on page 32, line 15.

The fusion DNA fragment was cut with XbaI and SalI, then ligated to similarly cut pGEM4 (Genbank# ~~VB0039~~X65303) to construct GS20 (Figure 2).

Please substitute the following for the paragraph beginning on page 33, line 29 and ending on page 34, line 9.

The LuxAB gene from pT7-mut3 (Boylan et al., J. Biol. Chem. 264:1915 (1989) was PCR amplified using primers Oligo 1 (5'-TGTCCCATCCGTGG*atgaaatttggaaac*-3'(SEQ ID NO:3), Bases 1-15 are from the neuraminidase gene (CAPS) and bases 16-30 are from the 5' end of the LuxAB open reading frame (ORF; italics)) and Oligo 2 (5'-gtttctaga*ttacgagtggtatttg*-3'(SEQ ID NO:4), containing a XbaI site (underlined) and sequences from the 3 end of the 5 LuxAB ORF (italics)). The first 164 bases of the influenza neuraminidase gene were PCR amplified using primers Oligo 3 (5'-tgtgtcgacTAATCTCAATATGGA-3'(SEQ ID NO:5), containing a SalI site (underlined) and sequences from -10 to - 15 relative to the first base of the initiation codon of the neuraminidase gene (CAPS)) and Oligo 4 (5'-*gtttccaaatttcat*CCCACGGATGGGACA-3'(SEQ ID NO:6), which is the complement of Oligo 1).

Please substitute the following for the paragraph beginning on page 34, line 24 and ending on page 35, line 2.

The constitutively expressed NADpnI vector was constructed from GS21 by ligating the SV40 early promoter/enhancer into the HinDIII site of GS21. The cytomegalovirus immediate early promoter/enhancer (Pcmv) was PCR amplified from pCMVbeta (Genbank Accession #U02451) using primers Oligo 9 5'-gtgaagcttGAGCTTGCATGCCTG-3'(SEQ ID NO:7), HinDIII site underlined, bases homologous to the S' end of the Pcmv promoter are capitalized) and Oligo 10 (5'-ttaaagcttACGGTTCACTAAACG-3'(SEQ ID NO:8), HinDIII site underlined, bases homologous to the 3' end of the Pcmv promoter are capitalized). The 540 bp PCR product was cut with HindIII, then ligated into similarly cut GS21 to construct GS22 (Figure 2).

In the Claims

Please amend claims 3, 4, 6-11 and 13, as follows:

3. (Amended) The vector of [any preceding] claim 1 further comprising a nucleotide sequence for selection in mammalian cells.

4. (Amended) The vector of [any of] claim[s] 1[-3], wherein the marker is an enzyme.

6. (Amended) The vector of [any of] claim[s] 1[-3], wherein the marker is a domain of an enzyme.

7. (Amended) The vector of [any of] claim[s] 1[-3], wherein the marker is a subunit of an enzyme.

8. (Amended) The vector of [any of] claim[s] 1[-3], wherein the marker is a proteinaceous member of a binding pair.

9. (Amended) The vector of [any of] claim[s] 1[-3], wherein the marker is an epitope.

10. (Amended) The vector of [any of] claim[s] 1[-3], further comprising a multiple cloning site.

11. (Amended) A host cell comprising the vector of [any of] claim[s] 1[-3].

13. (Amended) A kit comprising the vector of [any of] claim[s] 1[-3].